

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/CS/SB 2372

SPONSOR: Governmental Oversight & Productivity Committee, Health, Aging, and Long-Term Care Committee and Senator Clary

SUBJECT: Physical Fitness and Health

DATE: April 13, 2004 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parham</u>	<u>Wilson</u>	<u>HC</u>	<u>Fav/CS</u>
2.	<u>Rhea</u>	<u>Wilson</u>	<u>GO</u>	<u>Fav/CS</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The Committee Substitute for Committee Substitute for Senate Bill 2372 provides that the Department of Health is to promote healthy lifestyles to reduce the prevalence of overweight and obesity in Florida by implementing appropriate physical activity and nutrition programs that target Floridians.

The bill also expands the purposes for which the Florida Professional Sports Team License Plate proceeds are to be used by authorizing proceeds to be used to promote education programs in Florida schools.

The bill creates one undesignated section of law.

The bill amends section 320.08058 of the Florida Statutes.

II. Present Situation:

Chapter 20, F.S., provides for the organizational structure of executive branch entities. Section 20.03(7), F.S., defines the term "council" or "advisory council" to mean:

... an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives.

President's Council on Physical Fitness

Dwight D. Eisenhower originally established the President's Council on Physical Fitness and Sports in 1956. Today, the President's Council on Physical Fitness and Sports (PCPFS) serves as a catalyst to promote, encourage, and motivate Americans of all ages to become physically active and participate in sports. The President's council initiates and administers programs, often in partnership with other groups, which reach individual people in schools, homes, workplaces and communities. The President's council is assisted by elements of the U.S. Public Health Service. The President's Council advises the President and the Secretary of the U.S. Department of Health and Human Services (HHS) on how to encourage more Americans to be physically fit and active. The President's Council duties include:

- Communicating with the American public on the importance of physical activity, fitness, and exercise and their link to good health by developing and distributing a range of publications;
- Increasing physical activity participation and opportunities by encouraging the development of community, recreation, physical fitness, and sports programs;
- Promoting physical activity and fitness in schools by encouraging innovative health and physical education programs;
- Highlighting the gaps and barriers in order to stimulate needed research studies in sports medicine, physical activity, fitness, and sports performance;
- Collaborating with business, industry, government, and labor organizations on innovative programs to reduce the financial and health care costs associated with physical inactivity; and
- Cooperating with medical, dental, and other allied health care professional associations to encourage patient counseling on sound physical activity and fitness habits and practices.

The President's HealthierUS Initiative

Launched in June 2001 by President Bush, the *HealthierUS Initiative* focuses on four core areas for improved health and wellness: physical activity, preventive screenings, balanced nutrition, and healthy choices. The initiative is based on the premise that increasing personal fitness and becoming healthier is critical to achieving a better and longer life. Extensive research, much of it conducted or funded by the federal government, has shown that improving overall health and thus preventing disease and premature death, is as easy as making small adjustments and improvements in the activities of daily life. The *HealthierUS Initiative* uses the resources of the federal government to alert Americans to the vital health benefits of simple and modest improvements in physical activity, nutrition, and behavior.

Steps to a HealthierUS

The HHS Secretary convened a national health summit in Baltimore, Maryland, on April 15-16, 2003, to call on Americans to take the steps that will lead to a healthier nation. The *Steps to a HealthierUS: Putting Prevention First* summit was attended by over 1,000 community leaders, policy makers, health officials, and others. The Secretary laid out his priorities and programs for *Steps to a HealthierUS*, focusing attention on the importance of prevention and promising approaches for promoting healthy environments.

On September 18, 2003, the HHS Secretary initiated a \$15 million program to help communities prevent and manage chronic diseases such as obesity, asthma, diabetes, heart disease, stroke, and cancer. The program is part of the federal government's effort to promote President Bush's *HealthierUS Initiative*. Recipients of the grants reach 23 communities, including one tribal consortium, 15 small cities or rural communities, and seven large cities. Most of the \$15 million will go to communities to encourage promoting healthier lifestyles by taking steps such as building more sidewalks to encourage people to walk more. Our current health care system is not structured to deal with the escalating costs of treating diseases that may be prevented in part through changes in lifestyle choices such as exercise and following healthier eating regimens.

DOH Obesity Prevention Program

In 2001, DOH, through a three-year cooperative agreement with the Centers for Disease Control and Prevention, implemented an Obesity Prevention Program. Florida is one of the 12 states in the nation funded for state nutrition and physical activity programs to prevent obesity and related chronic diseases. This funding will provide the opportunity for the development of a comprehensive program plan that will prevent and reduce the burden of obesity among Florida's children and adults. The grant will allow the Bureau of Chronic Disease Prevention in DOH to:

- Provide technical assistance and educational and promotional resources to all county health departments;
- Develop a state plan for dealing with obesity through a strategic plan process;
- Enhance data and surveillance efforts;
- Conduct a social marketing project to gather data in an identified five county region of the state that has a higher obesity rate than the state average;
- Implement a state-level partnership; and
- Integrate obesity prevention strategies into departmental programs through an obesity internal workgroup.

This program has initiated the Florida Partnership for Promoting Physical Activity and Healthful Nutrition.

Florida Partnership for Promoting Physical Activity and Healthful Nutrition

The mission of the Florida Partnership for Promoting Physical Activity and Healthful Nutrition, a group of 100 volunteers, is to reverse the epidemic of overweight and obesity in Florida through the collaborative efforts and unified leadership of diverse individuals and organizations. With effective education and advocacy, the Partnership strives to strengthen the political and public will that empowers and enables youth, families, schools, and communities to promote and increase lifelong physical activity and healthful nutrition. The partnership has been instrumental in developing a statewide strategic plan with six goal areas consisting of activities targeting methods to reduce the burden of obesity among adults and children in Florida.

Athletics in Florida Public Schools

Pursuant to s. 1006.20, F.S., the Florida High School Activities Association is designated as the governing nonprofit organization of athletics in Florida public schools. The organization must

adopt bylaws that, unless specifically provided by statute, establish eligibility requirements for all students who participate in high school athletic competition in its member schools. The organization must adopt bylaws that require all students participating in interscholastic athletic competition or who are candidates for an interscholastic athletic team to satisfactorily pass a medical evaluation each year prior to participating in interscholastic athletic competition or engaging in any practice, tryout, workout, or other physical activity associated with the student's candidacy for an interscholastic athletic team.

Florida Sports Foundation

The Florida Sports Foundation, Inc., is the official sports promotion and development organization for the State of Florida. The Foundation is a private, not-for-profit corporation operating under contract with the Office of Tourism, Trade and Economic Development under the Executive Office of the Governor. The Foundation functions as a private entity and is overseen by a 30-member board of directors (15 members appointed by the Governor and 15 members appointed from the private sector). The Florida Sports Foundation is charged with the promotion and development of professional, amateur, and recreational sports and physical fitness opportunities that produce a thriving Florida sports industry and environment.

CS/SB 2348 (2003): Governor's Veto

Committee Substitute for Senate Bill 2348, which was passed by the Legislature in the 2003 Session, created the Advisory Council for a Fit Florida. The council was to advise the Governor, the Legislature, and the direct-support organization of the Office of Tourism, Trade, and Economic Development and provide expertise relating to physical fitness and nutrition in the state. The council was to submit to the Governor, the Legislature, the Office of Tourism, Trade, and Economic Development, and the direct support organization an annual report that included recommendations for the furtherance of the physical fitness of Florida residents.

The Governor vetoed this bill. The Governor's veto message noted that the bill did not specify where the council as created by the bill would be administratively housed or who would pay for and administer the new council's activities. The veto message stated that the Florida Sports Foundation, a not-for-profit corporation operating under the Office of Tourism, Trade, and Economic Development, is authorized to promote and develop professional, amateur, recreation sports, and physical fitness programs and opportunities in Florida. The message also stated that the Florida Department of Health is already engaged in obesity prevention efforts. The Governor concluded that that the council would only duplicate the activities of an existing council (actually, the direct-support organization for the Office of Trade, Tourism, and Economic Development).

III. Effect of Proposed Changes:

Section 1. The Committee Substitute for Committee Substitute for Senate Bill 2372 provides that the Department of Health is to promote healthy lifestyles to reduce the prevalence of overweight and obesity in Florida. The department is instructed to implement appropriate physical activity and nutrition programs that target all Floridians by:

- < Using the media to promote maximum public awareness of the latest research on health lifestyle and chronic diseases through a statewide clearinghouse.
- < Providing technical assistance, training, and resources on healthy lifestyles and chronic diseases to the public, county health departments, health care providers, school districts, and other persons or entities, including faith-based organizations.
- < Developing, implementing, and using research methods to collect population-specific data, and track the incidence and effects of weight-gain, obesity and related chronic diseases.
- < Partnering with the Department of Education, local communities, school districts, and other entities to encourage Florida schools to adopt minimum recommended nutrition standards based on the latest research.
- < Partnering with the Department of Education, school districts, and the Florida Sports Foundation to develop a program that recognizes schools whose students demonstrate excellent physical fitness or fitness improvement.
- < Maximizing local, state, and federal funding to strengthen the department's current physical activity and nutrition programs and to enhance county health department programs.

The department is authorized to adopt rules to administer the section.

Section 2. The bill amends s. 320.08058(9)(b), F.S., which relates to the Florida Professional Sports Team License Plate. The bill amends the purposes for which proceeds may be used to include the promotion of education programs in Florida schools that provide an awareness of the benefits of physical activity and nutrition standards.

Section 3. Provides that this act shall take effect July 1, 2004.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, s. 24(a) and (b) of the Florida Constitution. The councils that are created by the bill are subject to the requirements of Article I, s. 24 of the State Constitution, ch. 119, F.S., and s. 286.011, F.S.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

To the extent the Department of Health is successful in promoting interest in physical fitness and its activities encourage Florida residents to participate in healthier activities, it may reduce the incidence of chronic disease or conditions due to sedentary lifestyles such as obesity, diabetes, and cardiovascular disease.

C. Government Sector Impact:

Indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
